

# STATE OF NEW YORK

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4971

2019-2020 Regular Sessions

## IN SENATE

April 3, 2019

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Introduced by Sen. RIVERA -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to the distribution of moneys received by managed long term care programs from the state for medicaid patients

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph (b) of subdivision 10 of section 3614 of the  
2 public health law, as amended by section 5 of part C of chapter 109 of  
3 the laws of 2006, is amended and a new paragraph (e) is added to read as  
4 follows:

5 (b) Programs which have their rates adjusted pursuant to this subdivi-  
6 sion shall use such funds solely for the purposes of recruitment, train-  
7 ing and retention of non-supervisory home care services workers or other  
8 personnel with direct patient care responsibility. Such purpose shall  
9 include the recruitment, training and retention of non-supervisory home  
10 care services workers or any worker with direct patient care responsi-  
11 bility employed in licensed home care services agencies under contract  
12 with such agencies. Such agencies are prohibited from using such fund  
13 for any other purpose. For purposes of the long term home health care  
14 program, such payment shall be treated as supplemental payments and not  
15 effect any current cost cap requirement. For purposes of the managed  
16 long term care program, plans shall distribute such funds in their  
17 entirety using a reasonable methodology. Such payments shall be supple-  
18 mental to reimbursement rates, and plans shall provide written notifica-  
19 tion to each contracted agency indicating the amount of funds disbursed  
20 for the purpose of recruitment, training and retention of non-superviso-  
21 ry home care services workers or any personnel with direct patient care  
22 responsibility. Each such agency shall submit, at a time and in a manner  
23 determined by the commissioner, a written certification attesting that  
24 such funds will be used solely for the purpose of recruitment, training

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 and retention of non-supervisory home health aides or any personnel with  
2 direct patient care responsibility. When submitting attestations to the  
3 department, managed long term care plans shall include the methodology  
4 utilized in the disbursement of funds. The commissioner is authorized to  
5 audit each such agency or program to ensure compliance with the written  
6 certification required by this subdivision and shall recoup any funds  
7 determined to have been used for purposes other than recruitment and  
8 retention of non-supervisory home health aides or other personnel with  
9 direct patient care responsibility. Such recoupment shall be in addition  
10 to any other penalties provided by law.

11 (e) The department shall provide a report to the chairs of the senate  
12 finance committee, assembly ways and means committee, and senate health  
13 and assembly health committees. Such report shall be submitted on or  
14 before January first, two thousand twenty and shall include the distrib-  
15 ution of monies by plan and provider of the funds set forth in this  
16 subdivision.

17 § 2. This act shall take effect immediately.